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# L A W S

OF THE

LEGISLATURE OF THE STATE OF NEW-YORK

FOR THE

GOVERNMENT

OF THE

NEW-YORK STATE PRISON.



NEW-YORK:

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# L A W S

FOR THE GOVERNMENT OF THE

## NEW-YORK STATE PRISON.

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Laws passed April 5, 1810.

*Sec. I.* Obsolete.

*Sec. II.* Obsolete.

*Sec. III.* Obsolete.

*Sec. IV.* Obsolete.

*Sec. V.* *And be it further enacted,* That it shall be the duty of the Inspectors of the said prison, in their annual report, with the assistance of the Attorney-general, or District Attorney, to devise and propose for the consideration of the Legislature, such alterations and improvements in the penal laws, or in any of the laws and regulations relative to the said prison, as they may from time to time deem useful and necessary.

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Laws passed April 8, 1811.

*Sec. I.* Obsolete.

*Sec. II.* *And be it further enacted,* That it shall be

lawful for the Agent of the State Prison, by and with the advice and resolutions of the Inspectors, to borrow from the New-York or any other bank, on his note as agent, from time to time, a sum or sums not exceeding in the whole twenty thousand dollars in one year, which money shall be appropriated to the purchasing of new and other materials for carrying on advantageously the manufactures and other concerns of the prison.

*Sec. III. Obsolete.*

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### **Laws passed April 9, 1811.**

*Sec. XLVIII. And be it further enacted,* That it shall be lawful for the Mayor of the city of New-York, at any time in his discretion, on the representation of the Inspectors of the State Prison, that the public interests require the measure, to suspend the Captain of the State Prison Guard from the execution of the duties of his office, which suspension may continue until the sense of the Council of Appointment shall be had thereon.

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### **Revised Laws of 1812.**

*Sec. I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the public building erected in the city of New-York for the



reception of convicts, shall be called the "State Prison;" and that the person administering the government of this state, by and with the advice and consent of the Council of Appointment, shall, as often as may be requisite, appoint such number of persons, not exceeding seven, as may be necessary to form a Board of Inspectors therefor; and that the said Inspectors shall meet at the prison once at least in every month, and oftener if necessary, or if required by the visiting Inspectors hereinafter mentioned; and that the said Inspectors, together with the Justices of the Supreme Court, the Mayor and Recorder of the city of New-York, the Attorney-general, and the District Attorney for the district in which the said city shall be comprehended, or a majority of them, shall have power, from time to time, to make such rules as they shall think proper for the government of the convicts confined in the State Prison, their diet, clothing, and maintenance, and for all other interior regulations for the said prison, not inconsistent with the laws and constitution of this state, and the intention of this act. And the said Inspectors shall appoint two or more of their number to be a visiting committee, and renew such appointment at least once in every month; whose duty it shall be to visit the prison once at least in every week.

*Sec. II. And be it further enacted,* That the Inspectors shall have the charge and custody of the prison, and prisoners therein, and they may appoint and employ under them a Principal Keeper, a Deputy Keeper, and as many Assistant Keepers as they shall

deem proper:\* and whenever there shall happen to be no Principal Keeper, all the duties and power of Principal Keeper shall devolve and be executed by the Deputy Keeper, until a Principal Keeper shall be appointed: and all writs of habeas corpus to be granted in behalf of any person confined in the said prison shall be directed to, and returned by the Keeper of the said prison for the time being.

*Sec. III. And be it further enacted,* That it shall and may be lawful for the Inspectors of the State Prison to appoint an Agent, who shall, previous to his entering on the duties of his office, give such security for the faithful performance thereof as the said Inspectors shall require, and whose duty it shall be, under the direction of the said Inspectors, to attend daily at the said prison, to view and superintend all the business thereof, to examine whether the Keepers have been careful and vigilant, and to inquire generally into the state of the prison, as well as the health, conduct, and safe-keeping of the prisoners; and to employ them in useful work, in such manner as will be most beneficial to the public, and suitable to their various capacities; to purchase their provisions,† and articles for their clothing and bedding, and the provision for the Keepers;‡ and also to purchase the tools and implements necessary for the convicts, and all the raw materials to be manufactured; of all which he shall render a weekly account for the examination of the Inspectors, or visiting committee. And it shall

\* A subsequent law designates the number of Assistant Keepers.

† Provisions, by a subsequent law, are supplied by contract.

‡ By a subsequent act, the Keepers supply themselves.



also be the duty of the said Agent to superintend all the manufacturing and mechanical business that is or may be carried on within the said prison, and receive the articles so manufactured, and dispose of the same for the benefit of the state, under the direction of the said Inspectors. And that the said Inspectors shall appoint one or more clerks to keep the books and accounts of the State Prison, and to assist the Agent in the performance of his duty.

*Sec. IV. And be it further enacted,* That all the contracts and dealings on account of the said institution, shall be transacted by and in the name of the Agent of the State Prison; and by that name the present Agent and his successor in office shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all actions and suits, complaints, matters, and causes concerning the State Prison. And by that name the Agent for the time being shall be, and hereby is authorised and empowered to sue for, prosecute, recover, and receive, of and from all persons indebted to any former Agent or Inspectors of the State Prison, or to the people of this state on account thereof, such sums of money as shall be due, or become due, of and from any person or persons.

*Sec. V. Repealed.*

*Sec. VI. Obsolete.*

*Sec. VII. And be it further enacted,* That it shall be the duty of the Agent of the State Prison, in all cases possible, to collect or secure the payment of all outstanding debts, and to specify in his annual re-

port to the Comptroller, as nearly as may be, the amount of bad debts; and it shall not in future be lawful for the said Agent to sell any article manufactured in the State Prison on a credit of more than six months.

*Sec. VIII. And be it further enacted,* That it shall and may be lawful for the Agent of the State Prison, whenever any dispute or controversy shall arise relative to any claim or demands which any person or persons now or hereafter may have against the Agent of the prison, or any claim or demand which the said Agent may now or hereafter have against any person, to refer the same to arbitration, of two or more persons mutually chosen by the said Agent and the person or persons with whom such controversy may exist.

*Sec. IX. And be it further enacted,* That on the application of any prisoner or prisoners confined in the State Prison to the Agent, requesting him to take charge of his, her, or their property, the Agent be empowered to collect and receive, and sue for any goods, chattels, or moneys due, or belonging to such prisoner or prisoners, and to keep a correct account thereof, and to pay the amount to said prisoner or prisoners, when released, or to his, her, or their legal representatives. And if such prisoner or prisoners should not be released, and if no legal representative should demand such property, then, and in that case, the same shall be applied to the use of the state.

*Sec. X. And be it further enacted,* That no person acting as Inspector of the State Prison shall at the

same time be competent or permitted to act as Agent.

*Sec. XI. And be it further enacted,* That it shall be the duty of the Comptroller to examine the accounts of the Agent, and lay a statement thereof before the Legislature, on or before the second Monday of March annually.

*Sec. XII. And be it further enacted,* That it shall be deemed an offence against the people of this state, for any Deputy or Assistant Keeper of the said prison, or any workman employed in or about the prison, or for any other person, to convey out of, or bring into the prison any letter or writing, or any other thing whatsoever, without being examined by one of the Inspectors, the Agent, or Keeper.

*Sec. XIII. And be it further enacted,* That it shall be unlawful for the Principal Keeper of the said prison, or his assistants, or any person whomsoever, to introduce into, or give away, or barter, or sell, within the said prison, any spirituous or fermented liquors, excepting only such as are necessary for the Keepers, or their families, or permitted by the Inspectors, or ordered by the Attending Physician: and for all such offences, the person or persons offending shall forfeit the sum of twelve dollars and fifty cents, to be recovered, with costs of suit, before any Justice of the Peace of the city and county; the one moiety of which shall be for the benefit of the prosecutor, and the other for the Inspectors, for the purposes herein mentioned.

*Sec. XIV. And be it further enacted,* That such convicts as aforesaid who shall be sentenced to impri-



sonment in the State Prison, shall be clothed in habits of coarse materials, and be sustained upon a sufficient quantity of inferior but wholesome food, at the discretion of the said Inspectors, and shall be kept, as far as may be consistent with their sex, age, health, and ability to labour, in such manner as shall be deemed just and right.

*Sec. XV. And be it further enacted,* That in all cases where any person shall be adjudged to imprisonment in the State Prison, all expenses and charges to arise in conveying such offender to the same, shall be defrayed out of the treasury of this state; and also all sums of money and suitable rewards paid for advertising and apprehending any convict or convicts who may have escaped from the said prison.

*Sec. XVI. And be it further enacted,* That when any person shall be convicted and sentenced to imprisonment in the State Prison, the Clerk of the Court in which such sentence shall be passed, shall make and certify a copy thereof, and deliver the same to the Sheriff, who shall, when he conveys such convict to the said prison, deliver the said copy with the said convict to the Keeper of the said prison, and receive from the said Keeper a certificate of such delivery of the said convict; and the Sheriff shall be allowed for the support and maintenance of such convicts, at and after the rate of one dollar per day for each and every convict so conveyed and delivered by him, together with the other reasonable expenses attending the conveyance of such convict or convicts, and shall, in addition thereto, be entitled to and receive for his services in conveying such convict or convicts

as aforesaid, at and after the rate of twenty-five cents per mile, to be computed from the place at which such Sheriff may have received such convict or convicts; but no other or further charge of mileage shall be allowed for conveying two or more convicts as aforesaid, than for the conveyance of one; all which moneys shall be paid to the Sheriff performing the said services, out of any money in the treasury not otherwise appropriated.\*

*Sec. XVII. And be it further enacted,* That the Sheriffs of the several counties within this state, during the time that they or either of them shall be conveying to the prison any person convicted in any of the counties within this state, shall have the same power and the like authority, to demand the assistance of any of the people of this state, in securing every such person, as if such Sheriff were in the county for which he is appointed Sheriff: and all persons shall be aiding and assisting such Sheriff, under the same penalties as if such Sheriff was in his proper county.

*Sec. XVIII. And be it further enacted,* That the State Prison Guard shall consist of one Captain, to be appointed by the person administering the government of this state, by and with the advice and consent of the Council of Appointment; one Sergeant, two Corporals, one Drummer, one Fifer, and not more than twenty Privates, who shall be natives of the United States, and not less than twenty-one, nor more than forty years of age, excepting the Captain, and they shall engage themselves for the term of three years

\* Modified by a subsequent law.



at least. *Provided however,* That the person administering the government of this state for the time being may discharge them sooner if he shall think proper so to do.

*Sec. XIX. And be it further enacted,* That the monthly pay of the said Guard shall be as follows: that of the Captain shall be forty-eight dollars; that of the Sergeant twenty-five dollars; that of the Corporals, Drummer, and Fifer, twenty-two dollars; and that of the Privates nineteen dollars; which shall be in lieu of every compensation, except the articles herein after enumerated.\*

*Sec. XX. And be it further enacted,* That the said Non-commissioned Officers and Privates shall be furnished with necessary arms, ammunition, and accoutrements, at the expense of the state: which arms and accoutrements shall be delivered over to the Captain of the said Prison Guard, at the expiration of their several terms of service; and shall wear such uniform as the person administering the government of this state for the time being shall direct; and shall also annually receive the following articles of uniform clothing, to wit, one hat, one coat, two vests, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, one watch coat every two years, and such fuel as may be deemed necessary.\*

*Sec. XXI. And be it further enacted,* That the said Guard shall be stationed at or near the said prison, and shall be under the direction of the Mayor of the

\* Revised by a subsequent law.

said city, and shall obey all such orders, rules, and regulations as the said Mayor may, from time to time, give or make, for the better and effectual guarding of the said prison, for preventing escapes therefrom, and for apprehending such of the convicts as may have effected their escape. *Provided however,* That it shall not be lawful for the said Mayor to employ the said Guard in any other way, or to demand any other service or duty from them than such as relate immediately to the safe-keeping of the prisoners.

*Sec. XXII. And be it further enacted,* That the Mayor of the city of New-York shall, from time to time, inspect the said Guard, and report the state thereof at least once in every three months to the person administering the government of the state for the time being; and may, in his discretion, direct the discharge of any Non-commissioned Officer, Musician, or Private, belonging to the said Guard, and cause all vacancies to be filled by new engagements; and, on the representation of the Inspectors of the State Prison, may suspend the Captain of the said Guard from the execution of his duties, until the sense of the Council of Appointment be had in the premises: and that the said Mayor, together with any two of the Inspectors of the State Prison, shall, from time to time, make and establish rules, regulations, and orders for the better government of the said Guard, for the trial of all offences against discipline, and for inflicting proper punishments for breaches thereof, not exceeding a fine of one month's pay, and sixty days imprisonment in such place as the Court shall direct.

*Sec. XXIII. And be it further enacted,* That it shall be the duty of the Officer commanding the said Guard to make a weekly return of the said Guard to the said Mayor.

*Sec. XXIV. And be it further enacted,* That if any Non-commissioned Officer or Private shall desert from the said Guard, he shall, on conviction by a jury, be sentenced to imprisonment in said prison, for a term not exceeding five years: and it shall and may be lawful for the Agent of the State Prison to pay, from time to time, such sums of money as he may deem necessary, for the purpose of advertising, apprehending, and securing deserters, and furnishing substitutes with clothing.

*Sec. XXV. And be it further enacted,* That no Officer, Non-commissioned Officer, Drummer, Fifer, or Private belonging to said Guard, shall board and lodge at any other place than at the barracks erected for that purpose.

*Sec. XXVI. And be it further enacted,* That all and every of the persons now belonging, or that shall hereafter at any time belong to the State Prison Guard, shall, for and during the time of their continuance in service in such Guard, be and remain free from all arrests by civil process.

*Sec. XXVII. And be it further enacted,* That the Treasurer of this state shall, from time to time, pay to the Agent, by order of the Inspectors of the said prison, or any two of them, on the warrant of the Comptroller, such sums as shall appear to the Comptroller necessary for the payment of the said Guard, and for the purchase of the arms, ammunition,

and accoutrements, and the other articles with which they are to be furnished as aforesaid.\*

*Sec. XXVIII. And be it further enacted,* That the Agent shall be allowed at and after the rate of two thousand dollars per annum; and the Clerk or Clerks shall receive such sum or sums for their services as the said Inspectors shall direct, not exceeding the sum of six hundred dollars annually to each; and the Principal Keeper of the said prison shall receive at and after the rate of eight hundred and seventy-five dollars per annum, and the maintenance of himself and family in the State Prison; and the Deputy Keeper thereof at the rate of six hundred dollars; and the Assistant Keepers respectively three hundred dollars per annum for their services; and the said Deputy and Assistant Keepers to be maintained also in the said prison: which said salaries shall be paid by the Comptroller, on application of the Agent, signed by at least four of the Inspectors. And it shall be lawful for the said Inspectors to remove the aforesaid Officers, or any or either of them, whenever in their judgment the interest of the institution shall require it.†

*Sec. XXIX. And be it further enacted,* That the Inspectors, and the other persons performing any duty in the said State Prison, shall be exempted, during their continuance in office, from serving on juries, and from military duty.

*Sec. XXX. And be it further enacted,* That it shall be

\* Revised by a subsequent act.

† Altered in some respects by subsequent acts.



lawful for the Inspectors of the State Prison, by and with the advice and consent of the Mayor of the said city of New-York, if in their opinion the approach of an hostile force, or other urgent occasion shall render it expedient, to remove the convicts in the said prison to such place or places of security in the state as they shall judge fit.

*Sec. XXXI. And be it further enacted,* That it shall be the duty of the Inspectors of the said prison to transmit to the Legislature, annually, on or before the third Monday of February,\* a report, exhibiting a complete and comprehensive view of their transactions during the preceding year; of the number of convicts confined in the said prison; of the various branches of business in which they are employed; and the number of convicts in each branch, and the nett profits, if any, arising therefrom; and shall also in their said report, with the assistance of the Attorney-general, or District Attorney, propose for the consideration of the Legislature such alterations and improvements in the penal laws, or in any of the laws and regulations relative to the said prison, as they may, from time to time, deem useful and necessary.

*Sec. XXXII. And be it further enacted,* That the persons authorised to visit and inspect the prison at pleasure, shall be the Governor, Lieutenant-governor, Members of the Legislature, Chancellor, Judges of the Supreme Court, and Mayor, Recorder, and other Members of the Common Council of the city of New-

\* Altered by a subsequent act to the 15th of January.



York, Attorney-general, District Attorney, and such Ministers of the Gospel as actually reside in the city of New-York, and have charge of a church or congregation therein: and no other person shall be permitted to enter within the walls where the convicts are confined, without a written license signed by the Agent or one of the Inspectors: and every person so permitted, who is not related to the convict or person visited, and hath not pecuniary or necessary business to transact, shall pay to the Agent of the prison twelve and an half cents for such visit, which shall, under the direction of the Inspectors, be applied to the purchase of religious books for the use of the convicts. And it shall be the duty of the Keeper to deliver to the Clerk a monthly account of all such permits, who shall charge the Agent with the amount thereof.

*Sec. XXXIII. And be it further enacted,* That the Inspectors shall, from time to time, appoint a Resident Physician, who shall be lodged and victualled in the prison, and attend daily on the sick: and also such Visiting Physicians and Surgeons as they may deem necessary, subject to such regulations as the Board of Inspectors may direct. And in case exigencies should require extraordinary services, a reasonable compensation may be made.

*Sec. XXXIV. And be it further enacted,* That the Inspectors shall be and hereby are authorised to allow to such Minister of the Gospel as they shall from time to time approve of, any sum, annually, not exceeding two hundred and fifty dollars, for performing divine service for the benefit and reformation of the convicts.

*Sec. XXXV. Repealed.*

*Sec. XXXVI. And be it further enacted,* That if any vacancy shall happen in the Board of Inspectors, during the recess of the Council of Appointment, it shall be lawful for the person administering the government of this state for the time being, to fill all vacancies by new appointments, until the pleasure of the said Council be had in the premises.

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### **Laws passed April 15, 1814.**

*Sec. XXIV. Obsolete.*

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### **Laws passed April 18, 1815.**

*Sec. XXIII. Obsolete.*

*Sec. XXVIII. And be it further enacted,* That instead of the allowance to Sheriffs, made in and by the sixteenth section of the act entitled "An act concerning the State Prison," for their services and expenses in the transportation of convicts sentenced to imprisonment in the State Prison, there be allowed and paid to them respectively for their said services and expenses, the following sums, to wit: for the conveying a single convict, for each mile from the county jail from which such convict shall have to be conveyed, to the State Prison, fifty cents; for conveying two convicts, for each mile as aforesaid, sixty-

seven cents; for conveying three convicts, for each mile as aforesaid, sixty-nine cents; for conveying four convicts, for each mile as aforesaid, seventy-one cents; and for conveying five convicts, for each mile as aforesaid, seventy-three cents; and for all additional convicts, such reasonable allowance as the Comptroller may think just, which said allowances, with one dollar per day for the maintenance of each convict whilst on the way to the State Prison, shall be in full of all charges and expenses in the premises.\*

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### Laws passed April 17, 1816.

*Sec. XXIV. And be it further enacted, That the certificates of the delivery at the State Prison, of convicts sentenced to imprisonment in the State Prison, shall be given by the Principal Keeper of the State Prison, to and in the name of the person delivering the prisoners, whether such person be the Sheriff of the county where the prisoners were convicted, or his Deputy.*

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### Laws passed November 12, 1816.

*Sec. I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the In-*

\* Altered in some respects by a subsequent act.

spectors of the State Prison be, and they are hereby authorised and empowered, in conjunction and by arrangements with the Corporation of the city of New-York, from time to time, to cause to be employed, as many of the convicts, who are capable of hard labour, as the said Inspectors and the said Corporation shall agree upon for that purpose, upon any of the public avenues, roads, streets, or other works in the said city, undertaken by the said Corporation; and the said Inspectors are hereby further authorised and empowered, to cause to be employed, as many of the said convicts, who are capable of hard labour, as they shall see fit, on any other public works, in the counties of Richmond and Kings; and when so employed, the said convicts shall be subject to such regulations, as the said Inspectors, from time to time, shall prescribe.

*Sec. II. And be it further enacted,* That in case any infectious disease should break out among any of the convicts, in the State Prison aforesaid, the said Inspectors are hereby authorised and empowered, forthwith, to cause such convicts, so infected, to be removed out of the said prison, during their illness, to some suitable place of security, where they may receive all necessary care and medical assistance; and after their recovery, such convicts shall be returned to the State Prison, to be confined therein, according to their respective sentences, if the same be unexpired.



## Laws passed April 15, 1817.

*Sec. I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of May next, all prisoners confined in the State Prison, in the city of New-York, shall be supplied with provisions and hospital stores by contract, annually to be made and entered into by the Agent, under the direction of the Inspectors, with such person or persons as may be willing to do it on the lowest terms, at a fixed price per diem, for each person so imprisoned, the articles of food and the quantities of each to be ascertained and determined by the Inspectors, and to be inserted in such contract; and so many rations shall be furnished and delivered at the prison, as there are convicts confined therein daily, or at such other times as may be agreed on; and to ascertain who will furnish the said supplies on the lowest terms, due notice shall be given of the particular supplies wanted, and that proposals will be received until a certain reasonable time for furnishing said provisions; and also, all hospital stores required for the sick prisoners, such proposals to specify the lowest price per ration per diem; and the contract shall be made with such persons whose terms shall be most advantageous to the state, and who shall give satisfactory security for the performance of their contract.*

*Sec. II. And be it further enacted, That from and after the said last day of October next, there shall not be purchased any materials whatsoever, to be wrought*



or worked up for sale by the convicts confined in the State Prison, on account of the state; but the said convicts shall be thereafter solely employed in working up such materials as may then remain unmade up and unfinished, and after the same are finished, they shall be solely employed in manufacturing and making up of such materials as may be brought to the said prison, by or for individuals or companies to whom such materials may belong, to be manufactured at fixed prices for the labour bestowed upon them, to be paid by the owner of the goods to the Agent of the said prison, for the use of this state; and the said Agent is hereby required to give public notice in the newspapers in the city of New-York, that the said prisoners will be so employed, and shall use all other proper means in his power, to obtain materials for such kinds of work as the said convicts are most capable of doing well, and as will be most for the advantage of the state, in relation to which, he shall follow such regulations and instructions as may be given him from time to time by the Inspectors: *Provided nevertheless*, that the said Agent may, in his discretion, with the approbation and under the direction of the Inspectors, until the said last day of October next, and not afterwards, purchase on account of the state such materials as may be necessary to enable him to cause to be worked up to advantage such articles as have been heretofore purchased; which work shall be finished and completed on or before that day, if possible, and for which a sum not exceeding five thousand dollars is hereby appropriated: *And provided further*, that the said Agent

may purchase such articles of timber for the chair maker's business, iron and coal for blacksmiths, materials for carpenters, for machine makers, painters, and tailors, and dye stuffs, not exceeding annually the sum of five thousand dollars, for all the said several purposes and objects, in such proportions and in such manner as the Inspectors may direct from time to time.

*Sec. III. And be it further enacted,* That the said Agent shall, as soon as it can conveniently and advantageously be done, sell all the manufactured articles now made and unsold, or that may be hereafter made, to the best advantage, so that all the accounts of the said institution may and shall be brought up and completed on the day last above mentioned, if possible; for which purpose, and to close the same, he may sell such articles as may then remain on hand, at public auction, which he is authorised and required to do, in such manner, and at such time and place, as the Inspectors may direct; and he shall also collect and enforce the payment of all debts due to the institution, as soon, and with as little expense to the state as possible; but he may, nevertheless, with the approbation of the Inspectors, obtain and accept of such security from the debtors, on granting time, as may be deemed most conducive to the interests of the state; the moneys to be received to be applied to the discharge of the debts of the institution now remaining unpaid.

*Sec. IV. Repealed.*

*Sec. V. Repealed.*

*Sec. VI. And be it further enacted,* That from and

after the last day of May next, the present officers and men composing the State Prison Guard in the city of New-York, be and they are hereby thenceforth discharged, and the Captain of the said Guard shall then deliver up to the Agent, in the presence of the Principal Keeper, the arms, accoutrements, and ammunition, and all other public property now in the possession of the said Guard, or any of them, who are hereby required to deliver up and are made accountable for the same; and the said Captain shall require duplicate certificates of such delivery from the Agent and Keeper, one of which shall be delivered to the Inspectors, and by them be transmitted to the Comptroller; and the said arms and ammunition shall be kept in readiness, and be used if occasion may require, by the Keepers, under the direction of the Principal Keeper, for security of the prison and prisoners: *Provided however*, that it shall be lawful for the Inspectors of the said prison to retain so many of the present Guard as they may deem necessary for the safety of the prisoners, until the number of the prisoners shall be reduced to five hundred and fifty.

*Sec. VII. And be it further enacted*, That for the safety of the said prison and securing the prisoners, there shall be formed and organized, from persons residing nearest to the State Prison, and liable to militia duty, one Company, to consist of one Captain, one Lieutenant, one Ensign, two Sergeants, two Corporals, one Drummer, one Fifer, and twenty-five Privates, who shall receive arms, accoutrements, and ammunition from the public Arsenals at New-York,



giving receipts to be accountable therefor, to be formed and organized under the orders of the Commander in Chief of the militia; and the said Company shall keep their said arms, accoutrements, and ammunition in good order, and be always ready for immediate service, and shall repair with their arms on the first alarm, or notice from the Principal Keeper to the prison, and there aid and assist, under his direction, in defence of the prison, and to prevent the escape or any mischief meditated or threatened by the prisoners, or any of them, or danger to the prison from any other cause; and as an inducement and reward to the persons composing the said Company, they shall be exempted from all other militia duty, and from serving on the grand or petit jury, during the time of their being a part of said Company.

*Sec. VIII. And be it further enacted,* That from and after the last day of May next, the officers for the management of the State Prison and prisoners therein, in New-York, shall be as follows, to wit: One Agent, to have his office in the prison, annual salary two thousand dollars; one Clerk for the prison, salary seven hundred and fifty dollars; one Principal Keeper, to reside in the prison, to have room for his family there, salary two thousand dollars; sixteen Assistants, under the orders of the Principal Keeper, at four hundred and fifty dollars each,\* and that the said Principal Keeper shall receive, annually, the additional sum of two hundred and fifty dollars for the accommodation of the Inspectors, when they attend

\* Altered by a subsequent act to \$ 500.

in the prison for performing the duties herein assigned them; and that the sum of two hundred and sixty dollars per annum, be appropriated to pay the board of the attending Physician; and all the stationary, fuel, and light used in and for the prison, shall be furnished at the expense of this state; the said Agent, Clerk, Principal Keeper, and Assistants to be appointed by the Inspectors, and they shall, previous to their entering on the execution of their respective duties, take an oath or affirmation, to be subscribed by them before the Mayor or Recorder of the city of New-York, well and faithfully to execute and perform the duties required of them by this act, according to the best of their skill and ability; the said Assistants to be under the immediate command of the Principal Keeper, whose orders they are required to obey; and the said Agent and Principal Keeper, and his Deputy, shall conform in all things to the direction of the Inspectors, not contrary to this act; and the said Principal Keeper is hereby authorised and empowered to engage and employ a Corporal and twelve men, who shall receive arms and ammunition, and accoutrements from those herein before mentioned, who shall be subject to his command, and may be dismissed at pleasure by him, to act as a guard for the safety of the said prison and prisoners, and that he contract with such persons for their pay, not exceeding thirty-five dollars per month for the Corporal, and thirty dollars per month per man for the guard, they furnishing themselves with every thing except fuel for the guard-room, and their arms, ammunition and accoutrements.



*Sec. IX. And be it further enacted,* That it shall be the duty of the Agent to keep a regular and correct account of all moneys received from the visiting fund, rents of the wharf, or other property, and from all other sources or means whatsoever, and of sums paid by him, to whom, and for what purpose; and to make out and deliver to the Inspectors, at their monthly meeting, a return of all moneys received and paid by him, on account of the State Prison, for the preceding month; specifying from and to whom received or paid, and on what account; and shall also, on or before the the twenty-third day of February,\* in each year, render to the Comptroller the account required by the sixth section of the act hereby amended, to all which accounts there shall be an attestation, or oath, by the Agent and his Clerk, taken before the Mayor or Recorder, that the said accounts are correct and true in every particular, to the best of their knowledge and belief.

*Sec. X. Relates to Auburn Prison.*

*Sec. XI. And be it further enacted,* That in all cases of conviction for larceny, which may hereafter be had and made, the same shall be adjudged petit larceny, unless the goods so stolen shall be of the value of more than twenty-five dollars.

*Sec. XII. And be it further enacted,* That the Canal Commissioners shall be, and they are hereby authorised and empowered to contract with any individual or individuals, company or companies, for the labour of any number of convicts in the State Prison, to be employed upon the Canal contemplated

\* Altered by a subsequent act to the last day of October.

by the act, entitled, " an Act respecting navigable Communications between the great western and northern Lakes and the Atlantic Ocean," and that the said individual or individuals, company or companies, shall, before receiving the said convicts into their care or custody, give good and sufficient bonds, in such sum or sums of money to be approved of by the said Commissioners, and conditioned that the said convicts shall be kept, supported, and maintained, free of any expense to the people of this state, and that none of the said convicts shall be taken out of the said prison to labour on said Canals for any shorter period of time than six months; and that in case any of the said convicts shall escape while so employed as aforesaid, and shall be apprehended and convicted thereof, it shall and may be lawful for the court where such conviction shall be had, to banish such convict or convicts from the state, on pain of death, if such convict or convicts shall return to this state, or continue therein, after such sentence as aforesaid.

*Sec. XIII. And be it further enacted,* That if any prisoner confined in the State Prison, or any other person, shall wilfully and maliciously set fire to the said prison, or to any of the workshops, or other erections within the walls thereof, or procure the same to be done, or aid or abet the doing thereof, or shall be guilty of an assault and battery, with an intent to commit murder upon any officer of said prison, such person being thereof convicted, shall be adjudged guilty of felony, and shall suffer death.

*Sec. XIV. Repealing section.*

*Sec. XV. Repealed.*

*Sec. XVI. Appropriations.*

*Sec. XVII. And be it further enacted,* That the compensation to be allowed to the Sheriffs of this state, for transporting prisoners to the State Prison, shall be as follows, to wit: for transporting one prisoner at one time, the sum of twenty-five cents per mile; and for each and every other prisoner, conveyed by him at the same time, five cents per mile in addition to the said sum of twenty-five cents for a single one, and seventy-five cents per day for keeping each criminal while on the way to the State Prison, which allowances shall be in full for services and expenses.

*Sec. XVIII. And be it further enacted,* That of the Assistant Keepers, one shall be appointed by the Keeper his Deputy, and be entitled to one hundred dollars in addition to his yearly pay as Assistant.\*

*Sec. XIX. And be it further enacted,* That the person administering the government of this state, for the time being, may, from time to time, in his discretion, authorise and permit the employment of any number of convicts, condemned to imprisonment in the State Prison, when the number exceeds four hundred and fifty, in such way, and for such purposes, and on such terms and conditions, and under such persons as he may judge proper, and may direct; and he may empower such agent or agents for the purposes aforesaid, and to carry the same into effect; and all officers and others, having charge of persons convicted and condemned to imprisonment as aforesaid, are hereby required to follow such orders and directions as may

\* Amended by a subsequent act.



lawfully be given in relation to the premises; and all such prisoners who shall behave well shall be entitled to the benefit of the fifth section.

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### Laws passed April 20, 1818.

*Sec. I. Repealing Section.*

*Sec. II. Obsolete.*

*Sec. III. And be it further enacted,* That the following officers, instead of the compensation allowed them, in and by the eighth section of the act hereby amended, shall be allowed as follows, to wit: the Assistant Keepers, five hundred dollars per annum; and that the Assistant Deputy, appointed in and by the eighteenth section of the act hereby amended, shall receive the annual salary of seven hundred and fifty dollars, and no more.

*Sec. IV. Appropriation.*

*Sec. V. And be it further enacted,* That the Superintendent of the weaving factory, be continued as long as necessary at the said prison, with an annual salary of seven hundred and fifty dollars, and that his salary be allowed and paid, commencing from the first day of June, one thousand eight hundred and seventeen.

*Sec. VI. And be it further enacted,* That the Agent or Inspectors of the State Prison at New-York, or the Physicians or Surgeons, or any other officer or person employed at the prison, shall not be concerned, directly or indirectly, in the contract, purchases, or sales, for, by, or on account of the said prison.



*Sec. VII. Repealed.*

*Sec. VIII. Obsolete.*

*Sec. IX. And be it further enacted,* That whenever the board of Surgeons and Physicians of the State Prison at New-York, shall duly report to the Inspectors, the name or names of any prisoner or prisoners, who are maniac or insane, it shall and may be lawful for the said Inspectors, to transfer such insane prisoner or prisoners, to the lunatic hospital of New-York, the directors or managers of which are hereby required to receive such persons, and to confine them according to the rules of that institution.

*Sec. X. Obsolete.*

*Sec. XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXVI, relate to Auburn Prison.*

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### Laws passed March 12, 1819.

*Sec. I. Obsolete.*

*Sec. II. And be it further enacted,* That the Agents of the State Prisons respectively, shall annually close their accounts on the last day of October, and render them to the Comptroller on or before the first day of December following; and that it shall be the duty of the Comptroller to accompany his annual report with a particular statement of the accounts of the said prisons.

*Sec. III. And be it further enacted,* That the Inspectors of the State Prisons respectively, shall, on

or before the fifteenth day of January, annually, make the reports required of them by law to the Legislature.

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### Laws passed April 2, 1819.

*Sec. I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of June next, after the passing of this act, it shall not be lawful for the Coroner of the city of New-York, or of the county of Cayuga, to hold any inquest or view in the State Prisons, in either of the said counties, upon the bodies of deceased convicts, unless upon the request of the Agent or Keeper of either of the said prisons, under the direction of the Inspectors of such prison; and it shall be the duty of the Inspectors, Agent, or Keepers of such prisons, to call the Coroner in all cases of death by casualty.*

*Sec. II. And be it further enacted, That it shall be the duty of the resident and visiting Physicians and Surgeons, at the respective State Prisons, to keep a register of all deceased convicts, stating their names, ages, places of birth, time of death, disease, and all other circumstances which they may esteem necessary; which register shall always remain at the said prison, and be open to inspection.*

*Sec. III. And be it further enacted, That if any prisoner, in either of the State Prisons in this state, shall refuse to comply with the rules of the institu-*

tion, or refuse to perform their daily task, or shall resist any of the officers of either of the prisons in their lawful authority, or shall wilfully destroy any of the property within the said prisons, it shall and may be lawful, and it is hereby declared to be the duty of the respective Keepers, under the direction of the Inspectors, to inflict corporeal punishment on such prisoners, by whipping, not to exceed thirty-nine lashes at any one time, or to confine them in solitary cells, on bread and water, or to put them in irons or stocks, as the Inspectors may deem necessary, in their discretion, proportionate to the degree of offence: *Provided*, when corporeal punishment be inflicted on any prisoner, by whipping, it shall be the duty of at least two of the Inspectors to be present: *And provided further*, That no punishment, by whipping, shall be inflicted on a female.

*Sec. IV. And be it further enacted*, That it shall be the duty of the several Keepers, under the direction of the Inspectors of the respective State Prisons, as far forth as the interior structure of the said prisons will permit, to confine each prisoner in a separate cell during the times they shall not be engaged at work, or their exemption from such separate confinement, shall be in the opinion of such Keeper or Inspectors necessary and proper; and that it shall also be the duty of the said Keepers, under the direction of the Inspectors, as far as the arrangements of the prison will allow, to separate and to keep alone and apart from the other convicts, those prisoners who have been convicted of the higher crimes, those who have been twice, or oftener, imprisoned, those

who are young, those who are old, those who are healthy, and those who are unhealthy.

*Sec. V. And be it further enacted,* That it shall and may be lawful for the keepers of the jails, bridewells, penitentiaries, or solitary cells, in any of the counties of this state, and they are hereby authorised and empowered, upon application, and with the consent of the supervisors of the county, from time to time, to cause to be employed as many of the convicts, who are capable of hard labour, as the said keeper and supervisors shall agree upon for that purpose, upon any of the public avenues, highways, roads, streets, or other works, in the county in which such prisoners shall be confined, or in any of the adjoining counties, upon such terms as shall be agreed upon; and when so employed, the said convicts shall be well chained and secured, and subject to such regulations as the said jailer, from time to time, shall prescribe.

*Sec. VI, VII, VIII, IX, and X,* relate to Auburn Prison.

*Sec. XI. And be it further enacted,* That it shall be lawful for the commanding officer of the respective Companies so raised, or to be raised at New-York and Auburn, to order out the said Companies for drill and exercise, not oftener than three times in any one year; and that if the officers of such Companies shall neglect their duties, upon being reported to the Commander in Chief, by the Inspectors, they shall be dismissed; and that if any of the non-commissioned officers or privates shall neglect or refuse to perform their duty, the commanding officer of such Company shall dis-



miss and discharge them, and enroll others in their stead.

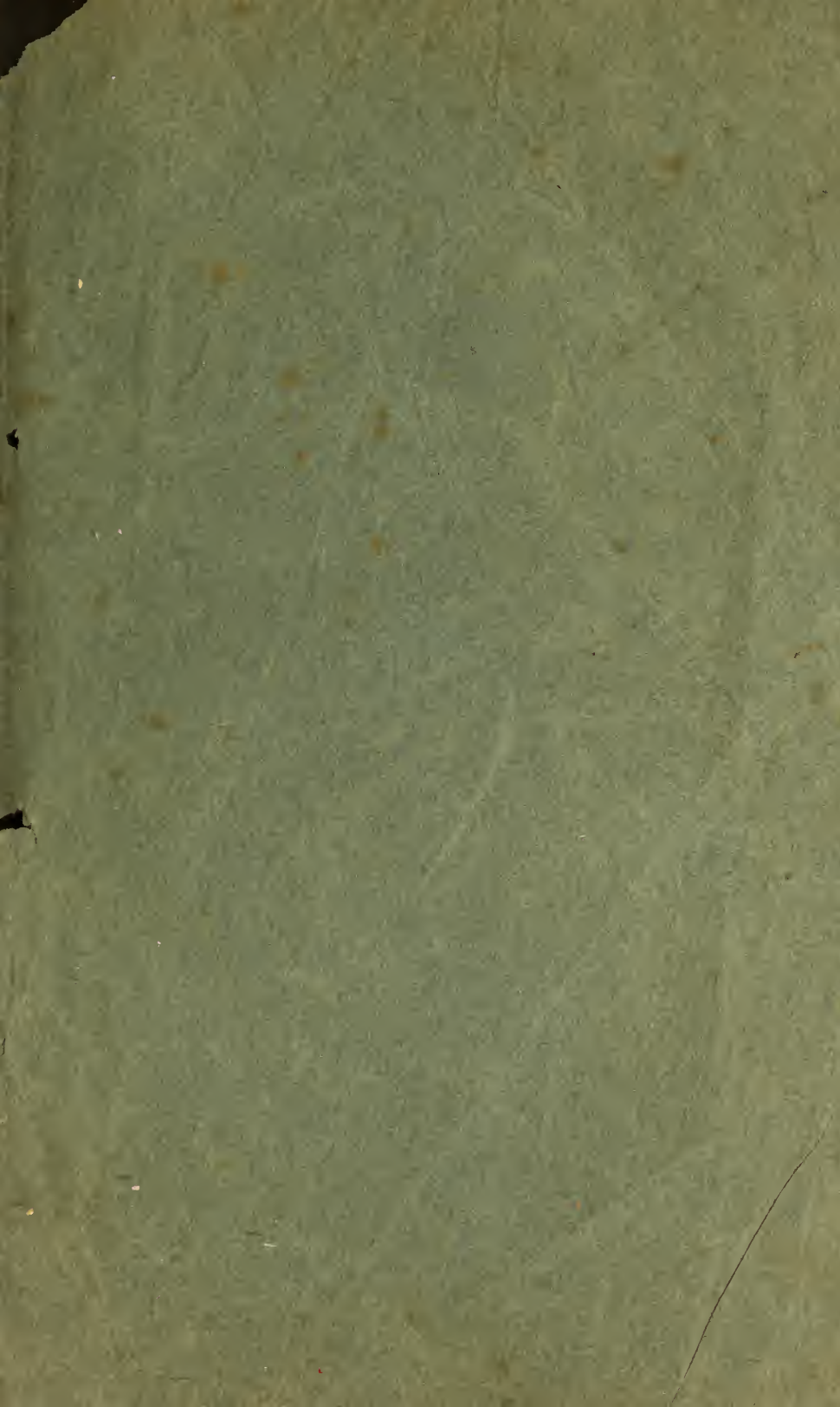
*Sec. XII.* Relates to Auburn Prison.

*Sec. XIII.* Appropriations.

*Sec. XIV.* Relates to Auburn Prison.

*Sec. XV.* *And be it further enacted,* That it shall be the duty of the Agents of the State Prisons in the city of New-York and the village of Auburn, annually, on or before the first Tuesday of February in each year, to make a report to the Secretary of State of the names of convicts pardoned or discharged, the preceding year, from the said prisons respectively, the crimes for which they were convicted, the terms of time for which they were severally committed, the counties in which they were tried, the ages and descriptions of their persons, and in cases of pardons, the time unexpired of the time for which such convicts were respectively sentenced, when such pardons were granted, and the conditions, if any, upon which they were granted. *And further,* It shall be the duty of the Secretary of State, annually, on or before the first Tuesday of May, in each year, to transmit a copy of such report to each of the Clerks of the courts of common pleas of the several counties in this state, to be deposited in their respective offices.





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